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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,058	09/29/2000	Edward Friery	14097	1687

7590

11/18/2002

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EXAMINER

LUM, LEE S

ART UNIT

PAPER NUMBER

3611

DATE MAILED: 11/18/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/677,058	<b>Applicant(s)</b> FRIERY ET AL.	
	<b>Examiner</b> Ms. Lee S. Lum	<b>Art Unit</b> 3611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on Amendment filed 9/10/02.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1,3-14,16-18,20,21,23,24 and 27-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,3-14,16-18,20,21,23,24 and 27-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## DETAILED ACTION

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1. An Amendment was filed 9/10/02 in which Claims 1, 14, 16, 20, 21, 23 and 24 were amended, and Claims 30-34 added. The Claims presented for examination are 1, 3-14, 16-18, 20, 21, 23, 24, 27-34.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 5-8 and 32** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In Claims 5 and 32, the "nonlinear portion further comprises a first linear segment" appears contradictory because "nonlinear" should not comprise a "linear" portion.

In Claim 8, "each pair comprising two bends oriented in the same direction" is unclear because this description means that each pair forms a complete closed circle (or similar shape).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1, 3-14, 16-18, 20, 21, 23, 24 and 27-34** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto et al 5499842 in view of Sugiyama et al 5685560 and Rheinlander 5863064.

Re **Claims 1, 3, 5-8** (5 and 8 as best understood) and **11-13**, Yamamoto discloses cover 10 for safety restraint device M comprising

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face portion 11/12 positioned between the device and interior compartment (airbag module within steering wheel) of the vehicle,

the face portion comprising exterior side (unidentified) facing away from the device, and,

seam 15 ("H-shape" - Col 5, lines 40-41) in the face portion, comprising nonlinear portion 21 having first and second ends (Fig 1),

the seam further comprising linear segments 18/19 proximate first/second ends of the nonlinear portion, with nonlinear segment 21 between these segments, and first/second linear sides 15/16 substantially perpendicular to the first/second ends of the nonlinear portion.

The patent does not disclose the nonlinear portion as including a plurality of bends in alternating directions, while Sugiyama shows this configuration in Fig 8 (where elements 56/58 are membrane switches). It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as exemplified in Sugiyama, as the tearseam design in the cover for different applications. It is noted that variations of seam design (on the cover or related element within the airbag device) can be found in prior art, proving this feature can be modified without functional detriment.

Neither Yamamoto or Sugiyama discloses an outer layer affixed to the exterior side of the face, while Rhinelander shows this layer 20 upon the exterior of the cover layer 22 in Fig 2. It would have been obvious to one with ordinary skill in the art at the time the invention was made to include this configuration, as shown in Rhinelander, so that an aesthetically-pleasing layer conforms the airbag cover to blend with the surrounding area.

Re **Claim 4**, the patents do not show a linear segment between and adjacent two bends, but this alternate feature would have been obvious to one with ordinary skill in the art at the time the invention was made. This feature does not affect functionality of the seam or invention.

Re **Claims 9 and 10**, while the patents do not disclose the bends with sharp corners, or having nonuniform size/shape, it would have been obvious to one with ordinary skill in the art at the time the invention was made to include these alternate configurations for different applications. Again, these modifications do not affect functionality of the seam or invention.

Re **Claim 14**, Yamamoto discloses the face portion as formed by single-shot construction in col 4, line 62, and operates exclusively of an outer layer.

(NOTE: The process by which an apparatus is made has no patentable weight.)

Re **Claim 29**, Yamamoto discloses the seam as comprising recessed portion 15 which is thinner in crosssection than the face portion (Fig 3).

Re **Claims 16-18, 20, 21, 23, 24, 27, 28 and 30-34** (32 as best understood), the references show the recited elements as described above.

4. RESPONSE TO REMARKS:

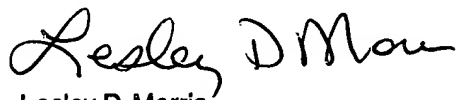
Generally moot in light of new art rejections. However, in response to remarks re Rheinlander (in combination with Yamamoto), Applicant is apparently arguing a piecemeal analysis of the references, instead of considering the combination as discussed. Rheinlander clearly shows an outer (cosmetic) layer. Multi-layer cover configurations are well-known in the art. See In re Keller, 208 USPQ 871 (CCPA 1981).

5. Communication with the Examiner and USPTO

Any inquiry concerning this communication should be directed to Ms. Lum at (703) 305-0232, 9-530, M-F. Our fax number is (703) 308-2571. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to customer assistance at (703) 306-5771.

Ms. Lee S. Lum  
Examiner  
11/13/02



  
Lesley D. Morris  
~~Primary Examiner~~  
SPE A43611